

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION

FILED
ASHEVILLE, N. C.

FEB 16 2006
U.S. DISTRICT COURT
W. DIST. OF N. C.

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY
Plaintiff

v.

Civil Action No. 2:05CV213

AN EASEMENT AND RIGHT-OF-WAY
OVER 0.14 ACRE OF LAND, MORE OR
LESS, AND ADDITIONAL RIGHTS
WITH RESPECT TO A PREEXISTING
EASEMENT AND RIGHT-OF-WAY
OVER LAND IN CHEROKEE
COUNTY, NORTH CAROLINA

JEFFREY C. McRAE, trustee with power
of sale of the Matthew Chase McRae
trust
MATTHEW CHASE McRAE, beneficiary
ROBERT E. LEDFORD
NOLAND W. SMITH, trustee
Defendants

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered, and it appears to the Court that
the parties, as shown by the signatures below, have agreed to settle this action as
provided below.

It is, therefore, Ordered and Adjudged that:

1. The Defendants shall recover of the Plaintiff \$4,000 as full compensation for the taking of the easement and right-of-way and additional easement rights herein condemned.

2. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on August 19, 2005, is hereby fully and finally confirmed with respect to the easement and right-of-way and additional easement rights described in Exhibit A attached hereto and made a part hereof (said Exhibit A being the same as in Exhibit A to the Declaration of Taking filed herein).

3. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$4,000 payable to Jeffrey C. McRae marked "as trustee for Matthew Chase McRae," and to mail said check to Jeffrey C. McRae, 209 Marks Drive, Murphy, North Carolina 28906.

4. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment and Order Disbursing Funds which shall serve as a muniment of title.

This 16th day of February, 2006.


Lacy Thornburg
United States District Judge

We hereby approve and consent
to the entry of this document:

Don O. Whitehead

Don O. Whitehead
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Tennessee Valley Authority
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Attorney for Plaintiff

Jeffrey C. McRae

Jeffrey C. McRae, as trustee for
Defendant Matthew Chase McRae
with power of sale
209 Marks Drive
Murphy, North Carolina 28906

Robert E. Ledford

Robert E. Ledford
951 Sunny Point Road
Murphy, North Carolina 28906

Noland W. Smith

Noland W. Smith, as trustee
c/o McKeever, Edwards, Davis, &
Hays, P.A., Attorneys At Law
Suites 2, 4 & 5 Professional Building
139 Peachtree Street
Murphy, North Carolina 28906

Defendants

003756211

TRACT NO. MBNR-7

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of all trees, brush, buildings, signboards, billboards, and fire hazards, to destroy or otherwise dispose of such trees and brush, and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Plaintiff to remain liable for any direct physical damage to the land, annual crops, fences, and roads resulting directly from the operations of the construction and maintenance forces of Plaintiff in and about the erection and maintenance thereof, all upon, under, over, and across the following-described land:

TRACT NO. MBNR-7

A parcel of land located in the Murphy Township of Cherokee County, State of North Carolina, consisting of 0.14 acre of new right-of-way and 0.36 acre of preexisting right-of-way, as shown on a map entitled "Murphy-Nottely Transmission Line," drawing LW-1979, sheet P1, R.0, the portion of said map which shows said parcel of land and said new and preexisting rights-of-way being attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Commencing at a point where the centerline of the transmission line location crosses the southeast property line of the land of Lynda L. Ross and the northwest property line of the land of Mark E. Dickey, Trustee, at survey station 52+57.50, said point being S. 64° 09' 08" W., 4.89 feet from a property corner common between the lands of Jeffrey C. McRae, Trustee, Lynda L. Ross, Donald A. Lindsay, and Mark E. Dickey, Trustee, said property corner being 4.31 feet left of survey station 52+55.16, said centerline being the centerline of the existing Murphy – Chatuge Transmission Line as shown on US-TVA drawing LW-1982, sheet 1; thence leaving said point and with the said property line N. 64° 09' 08" E., 4.89 feet to a point, said point being said property corner, said property corner being the POINT OF BEGINNING.

Thence leaving said point of beginning and with the north property line of the land of Jeffrey C. McRae, Trustee, and the south property line of the land of Donald A. Lindsay S. $65^{\circ} 40' 50''$ E., crossing the east right-of-way line of the said existing transmission line, 49.28 feet to a point, said point being in the east right-of-way line of the said location, said point being 50 feet left of survey station 52+73.62; thence leaving said point and with the said right-of-way line S. $2^{\circ} 19' 00''$ W., 469.90 feet to a point, said point being in the south property line of the land of Jeffrey C. McRae, Trustee, and in the north property line of the land of Lawrence E. Posey, et al, said point being 50 feet left of survey station 57+43.52; thence leaving said point and with the said property line N. $87^{\circ} 10' 48''$ W., crossing the east right-of-way line of the said existing transmission line, 46.08 feet to a point, said point being a property corner common between the lands of Jeffrey C. McRae, Trustee, Mark E. Dickey, Trustee, and Lawrence E. Posey, et al., said property corner being 3.92 feet left of survey station 57+43.11; thence leaving said point and with the west property line of the land of Jeffrey C. McRae, Trustee, and the east property line of the land of Mark E. Dickey, Trustee, N. $2^{\circ} 21' 45''$ E., 487.96 feet to the point of beginning and containing 0.14 acre of new right-of-way and 0.36 acre of preexisting right-of-way, more or less.

The foregoing easement rights are acquired except insofar as those rights or any part thereof are already owned by Plaintiff, which heretofore acquired and now owns a permanent easement and right-of-way for electric power transmission and communication purposes over said land by virtue of a grant recorded in Deed Book 135, page 533, in the office of the Register of Deeds of Cherokee County, North Carolina.

Recording Information: Landowner as of the date of the filing of the Declaration of Taking — Jeffrey C. McRae as trustee with power of sale of the Matthew Chase McRae trust (Deed Book 944, page 120).

Parcel identification number: 459220826464000

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